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Election

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: George K. Korinsky et.al.
Serial No.: 09/615,922
Filed: July 13, 2000
Title: METHOD AND APPARATUS FOR DISSIPATING HEAT FROM AN ELECTRONIC DEVICE

Examiner: Gregory Thompson

Group Art Unit: 2835

Docket: 884.298US1

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

In response to the Restriction Requirement mailed June 28, 2001, Applicant provisionally elects, with traverse, the first species described by the Examiner as comprising Figures 2A-2B and 4A-4B. The Applicant has identified claims 1-24 of the pending claims as being part of this election. Applicants respectfully submit that claims 1-24 read on the elected species.

Traversal

Applicant respectfully traverses the Examiner's eight-way restriction requirement. Examiner has identified the following groups of species:

Species I: Figs. 2A-2B, 4A-4B;

Species II: Fig. 3;

Species III: Figs. 5A-5B;

Species IV: Figs. 6A-6B;

Species V: Figs. 7A-7B;

Species VI: Fig. 8;

Species VII: Fig. 9; and

Species VIII: Fig. 10

The Restriction Requirement is traversed on the basis that Claim 1 is generic to Species I, III, IV, VI and VIII. Specifically, independent claim 1 describes an apparatus having a housing and an air-moving device which are encompassed in Figures 2A-2B and 4A-4B of Species I.

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Non-elected species III identified by the Examiner is encompassed in Figures 5A and 5B.

Figures 5A and 5B show an apparatus comprising a housing, a fan and an air duct. Referring again to independent claim 1, independent claim 1 comprises a housing and an air moving device. A fan is one embodiment of an air moving device. Thus, species III includes all of the limitations of claim 1.

Non-elected species IV is encompassed by Figures 6A-6B. Figures 6A and 6B show an apparatus with a housing, a first fan, a second fan and an air duct. Referring again to independent claim 1, species IV includes all of the limitations of claim 1.

Non-elected species VI is encompassed by Figure 8. Figure 8 shows an first housing and a first fan. Again, species VI includes all of the limitations of claim 1.

Non-elected species VIII is encompassed by Figure 10. Figure 10 shows a housing, a fan and an air duct. Species VIII includes all of the limitations of claim 1.

Thus, the Applicant respectfully submits that claim 1 is generic to species I, species III, species IV, species VI and species VIII. Applicant respectfully requests reconsideration of the eight way restriction requirement based on the figures.

The Applicant also traverses the Restriction Requirement due to the fact the it fails to give a reason why the inventions in Species I - VIII are independent and distinct. MPEP § 803 states: "Examiners must provide reasons and/or examples to support conclusions, but need not cite documents to support the requirement in most cases. . . For purposes of the initial requirement, a serious burden on the examiner may be *prima facie* shown if the examiner shows by appropriate explanation either separate classification, separate status in the art, or a different field of search as defined in MPEP § 808.02." Therefore, the Applicant respectfully requests that the Examiner reconsider and withdraw the Restriction Requirement.

In addition, the Applicant traverses the Restriction Requirement on the basis that such requirements are optional in all cases. MPEP § 803 states: "If a search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." Claims 1-30 are drawn to an apparatus and method for dissipating heat. The apparatus and method can be efficiently and effectively searched concurrently without serous burden to the Examiner. Thus,

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applicant respectfully requests that the Examiner withdraw the restriction requirement and proceed with the examination of the application on the merits.

Conclusion

The Examiner is invited to contact Applicant's Representative at ph. 612-349-9592 if there are any questions regarding this Response or if prosecution of this application may be assisted thereby.

Respectfully submitted,

GEORGE K. KORINSKY ET AL.

By their Representatives,

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Date Dec. 28, 2001

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on this 28 day of December, 2001.

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Signature